

**York County
Commissioners**

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**YORK/ADAMS
DRUG & ALCOHOL COMMISSION**
Recovery on the Horizon
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**Adams County
Commissioners**


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YADAC Administrator: Shawn Anne McNichol, MA, CACD, CCDPD

CONFIDENTIALITY MEMORANDUM

DATE: March 6, 2013

TO: All YADAC Contracted Treatment Providers;
York County Treatment Courts;
Adam County Adult Correctional Complex; and
YADAC Staff

FROM: Audrey Gladfelter, D&A Case Management Supervisor 

RE: Federal Law 42 CFR Part 2: Confidentiality and Written Communication Between Systems

This memo is being sent as a gentle reminder of how the Federal Drug Law CFR Part 2 impacts virtually all collaborating systems involved with and/or may be seeking information about and/or may be a receiver of information about individuals who:

- Have applied for drug & alcohol services; and/or
- Have participated in drug & alcohol services; and/or
- Received an interview/intake/screening/assessment/evaluation by a drug & alcohol service provider; and/or
- Received counseling by a drug & alcohol provider; and/or
- Has encountered any other type of drug & alcohol services;

First & foremost, 42 CFR Part 2 is the Federal Law that sets the practical, easily-applied and nationally recognized standards for handling drug & alcohol related information. These laws were enacted to provide strong protection to people who are at risk for or seek, are or have been in treatment with assurance that this information will remain confidential. Accordingly, programs are governed by the CFR 42 Part 2 rules requiring an individual's specific, written consent to authorize most disclosures of drug & alcohol patient identifying information. Moreover, and per 42 CFR Part 2, further disclosure (that is: re-disclosure) by any system without specific written consent of the individual is prohibited. Unauthorized disclosure and/or re-disclosure of client identifying information is in direct violation of CFR 42 Part 2 and is therefore punishable by law.

Our office encourages all systems that are sharing written communication about individuals who are seeking treatment and/or have been in treatment to adhere to the full scope of CFR 42 Part 2. Furthermore, when sharing any written documentation, our office advocates the inclusion of a statement referencing the regulations of Federal Law CFR 42 Part 2 which state that the information contained in the document is protected by said Federal Law; that the information contained in the document can only be released after the individual signs a valid consent indicating such; that unauthorized re-disclosure is in direct violation of Federal Law CFR Part 2; and that violation of said Federal Law can result in prosecution to the fullest extent of the law.

Thank you for your understanding in this matter.